

### Remarks

This is in response to the Office Action dated July 19, 2007.

Claims 2, 3, 6, 15, 18, 20, 21, 23 and 31-35 are pending in the application. Pursuant to the Office Action, each of the pending claims is rejected. Specifically, claims 31-35, 2-3, 6, 15, 18, 20-21 and 23 are rejected under 35 USC 103(a) as being unpatentable over Updike U.S. 3,762,586 in view of Szinte U.S. 5,833,428.

By way of the foregoing amendments, each of the independent claims, claims 31-35, more explicitly specify the location of the transporter relative to the front of the truck and the collection container, such that those claims now structurally distinguish over Updike in view of Szinte.

Specifically, the base member of the transporter is "mounted to the front of the vehicle at a location behind the rear face of the collection container and below the upper edge thereof." This is neither shown nor suggested by either Updike or Szinte. The boom assembly 54 of Updike is mounted to the truck above the upper edge of the rear face of the load box 42. It could not be mounted below the upper edge if the boom were to operate as intended, as the rear face of the load box would interfere with the movement of the boom assembly. Further, in the absence of the teaching of the present application, there is no motivation to mount the refuse receptacle collection assembly 30 of Szinte to the front of the vehicle behind the rear face of the intermediate container 26. Even if so mounted, the receptacle engaging assembly 110 of Szinte cannot attain the "stored position generally adjacent to the front end of the vehicle

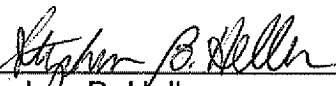
substantially between the lift forks," as required of the present invention.

Additionally, dependent claims 18, 20, 21 and 23 have been objected to for their recitation in the preamble being inconsistent with the parent claims. By way of the foregoing amendment, claim 18 has been amended to address the objection. With respect to claims 20, 21 and 23, all are dependent either directly or indirectly from claim 35, which is directed to "a refuse receptacle lifter assembly ...," Claims 20, 21 and 23 are directed to "the refuse receptacle lifter assembly of claim [35/20/35] ...". Consequently, Applicant believes that the objection to these claims is not well founded and requests that it be withdrawn.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

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